

August 13, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Summons for Defendant on Pretrial Release

Name of Defendant: Wilkerson, Aaron C. (English)

Dkt No.: 08CR0855JAH-001

Reg. No.: 08170-298

Name of Judicial Officer: The Honorable John A. Houston, U.S. District Judge

Date Conditions of Release Imposed: April 15, 2008, before the Honorable Barbara Lynn Major, U.S. Magistrate Judge

Conditions of Release: restrict travel to Southern District of California with no travel to Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; Provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; and actively seek and maintain full-time employment, schooling, or combination both.

Modification: On July 14, 2008, your Honor modified the defendant's travel restrictions to include the Central District of California.

Date Supervision Commenced: April 24, 2008

Charged Offense: Title 18, U.S.C., Section 641 - Theft of Government Property

Next Court Date: August 18, 2008, at 8:30 a.m., before your Honor for a Motion Hearing.

Asst. U.S. Atty.: Randy K. Jones
(619) 557-5684

Defense Counsel: Frank Balistreri (Appointed)
(619) 881-7487

Prior Violation History: None.

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PETITIONING THE COURT

TO SUMMONS THE DEFENDANT TO APPEAR IN COURT AND ADDRESS THE ALLEGATIONS

The Pretrial Services officer believes the defendant has violated the following condition(s) of pretrial release:

CONDITION(S)

(Standard Condition)

Not commit a federal, state or local crime during the period of release.

ALLEGATION(S) OF NONCOMPLIANCE

1. On May 31, 2008, the defendant was arrested for 23152(a) V.C. - Driving under the influence of an alcoholic beverage and/or drugs.

2. On May 31, 2008, the defendant was arrested for 14601.1(a) V.C. - Driving with a suspended license.

Grounds for Revocation: A routine records check conducted on August 1, 2008, revealed the defendant was arrested on May 31, 2008, for driving under the influence and driving on a suspended license. On August 4, 2008, the undersigned received and reviewed the California Highway Patrol Investigation Report (file: #200801825) regarding the incident. According to the investigation report, the defendant was observed by Officer Uribe (Badge #17499) and Officer Moriel (Badge #17133) at approximately 10:58 p.m. entering northbound on Interstate 5 at a high rate of speed (approximately 92 miles an hour). Additionally, the officers noticed the vehicle was swerving from left to right, and, at times, straddling vehicle lanes.

Due to his driving behavior, the defendant was subsequently pulled over for an enforcement stop. Upon stopping the vehicle, the defendant was approached by Officer Moriel, who observed the defendant had "red and watery eyes" and "detected the strong odor of an alcoholic beverage emitting from inside the suspect vehicle." The defendant admitted to Officer Moriel to consuming "two Bud Lights" and "four Coronas."

When asked to step out of the vehicle, Officer Moriel noticed the defendant was "unsteady on his feet." The defendant was asked a series of "pre-field sobriety test questions" and was "pre-explained, pre-demonstrated field sobriety test, which he did not perform as explained and demonstrated." The defendant was also given a Preliminary Alcohol Screening(P.A.S) test which yielded the following results: .124 B.A.C. at 11:16 p.m. and .125 B.A.C. at 11:18 p.m

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Based on the results, Officer Moriel placed the defendant under arrest for violation of 23152(a) VC: Driving Under the Influence of an Alcoholic Beverage and/or Drugs and 14601.1(a) VC: Driving with a Suspended License. On June 1, 2008, the defendant was released from custody on his own recognizance.

Local records reveal complaint #S220544 was filed on July 2, 2008, at the San Diego Superior Court (South Bay Branch) charging the defendant with one count of 23152(a) V.C.: Driving Under the Influence of an Alcoholic Beverage and/or Drugs (misdemeanor) and one count of 23152(b) V.C.: Driving With a Alcohol Content of 0.08% or Greater (misdemeanor). On July 17, 2008, the defendant failed to appear for his initial arraignment and a warrant for his arrest was issued on July 22, 2008. The defendant appeared on the warrant on July 27, 2008, and is scheduled back in state court on August 25, 2008, for his initial appearance.

The California Department of Motor Vehicle (DMV) records reveal the defendant's driver license has been suspended since October 22, 2006, for a previous failure to appear violation.

CONDITION(S)

ALLEGATION(S) OF NONCOMPLIANCE

(Standard Condition)

Report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer.

3. The defendant failed to report law enforcement contact to Pretrial Services as directed, specifically the arrest on May 31, 2008.

Grounds for Revocation: During his post release intake interview on April 25, 2008, the defendant signed the Pretrial Services reporting instructions (PS7 form) which specifically advised "You shall not commit a federal, state or local crime during the period of supervision. You are required to immediately notify your Pretrial Services Officer if you have contact with law enforcement." The undersigned reviewed all personal office visit forms and all chronological records maintained by Pretrial Services and there was no indication the defendant had noted any law enforcement contact. When questioned why the incident was never reported, the defendant responded he was "afraid" to mention it to the undersigned.

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SUPERVISION ADJUSTMENT

Mr. Wilkerson originally commenced pretrial supervision on April 24, 2008, and the conditions of release were reviewed with him on April 25, 2008. The defendant signed the reporting instructions acknowledging his requirements while on release. He has maintained employment since his release and he has provided the undersigned with verification of such.

RECOMMENDATION/JUSTIFICATION

Mr. Wilkerson's behavior clearly demonstrates his failure to comply with state laws as evidenced by his recent arrest. He appears to lack the ability to follow specific supervision instructions since he intentionally failed to disclose the law enforcement contact to our office. Pretrial Services recommends the Court summons the defendant to appear at the same time of his Motion Hearing on August 18, 2008, at 8:30 a.m. so he may show cause why his bond should not be revoked.

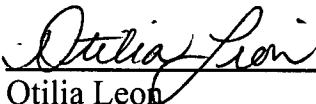
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 13, 2008

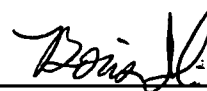
Respectfully submitted:
LORI A. GAROFALO
CHIEF PRETRIAL SERVICES OFFICER

Reviewed and approved:

by



Otilia Leon
U.S. Pretrial Services Officer
(619) 557-7610
San Diego, CA



Boris Ilic
Supervising U.S. Pretrial Services Officer

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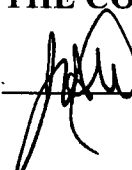
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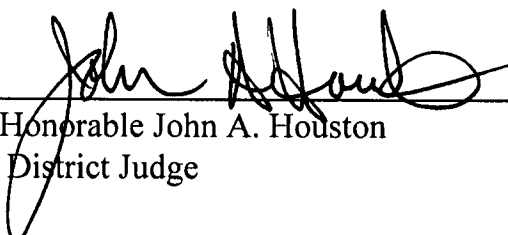
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THE COURT ORDERS:

 AGREE. CITE THE DEFENDANT TO APPEAR IN COURT AT THE SAME TIME OF HIS MOTION HEARING ON AUGUST 18, 2008, AT 8:30 A.M. SO HE MAY SHOW CAUSE WHY HIS BOND SHOULD NO BE REVOKED.

Other _____


The Honorable John A. Houston
U.S. District Judge

8-13-08

Date